

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL CASTRELLON,

Plaintiff,

v.

JEFF LYNCH, et al.,

Defendants.

No. 2:24-cv-01622 SCR P

ORDER

Plaintiff is a state inmate proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. On June 10, 2025, the undersigned screened plaintiff's complaint and found it stated Eighth Amendment failure to protect claims against defendants Tsvetkov and Waldron, an Eighth Amendment medical indifference claim against defendant John Doe No. 2, and an Eighth Amendment excessive force claim against defendants John Does No. 1 and 3, but no other cognizable claims. (ECF No. 12.) Plaintiff was given the option to proceed on his cognizable claims or to file an amended complaint. (Id. at 13.)

On July 21, 2025, plaintiff submitted a notice of election with both options checked. (ECF No. 15.) Plaintiff is advised that he cannot both move forward on cognizable claims and amend his complaint. This is because, as a general rule, an amended complaint supersedes any prior complaints. Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967) (citations omitted).

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1 Accordingly, IT IS HEREBY ORDERED that within 21 days of the date of service of this
2 order, plaintiff shall submit the attached "Second Notice of Election" and clarify whether he
3 intends to move forward on his claims as screened or file an amended complaint. If plaintiff
4 elects to amend, the undersigned will set a deadline to file the amended complaint by separate
5 order.

6 DATED: August 1, 2025

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9 SEAN C. RIORDAN
10 UNITED STATES MAGISTRATE JUDGE
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SECOND NOTICE OF ELECTION

Check one:

_____ Plaintiff wants to proceed immediately on his Eighth Amendment failure to protect claim against defendants Tsvetkov and Waldron, Eighth Amendment medical indifference claim against defendant John Doe No. 2, and Eighth Amendment excessive force claim against defendants John Does No. 1 and 3, without amending the complaint. Plaintiff understands that by choosing this option, the remaining defendants and claims will be voluntarily dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

_____ Plaintiff wants time to file an amended complaint.

DATED: _____

Michael Castrellon, Plaintiff Pro Se